

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

TROY MORELAND, ASHLEY MORELAND,
FIRST STATE BANCSHARES OF
YOAKUM, INC., AND OCWEN
FINANCIAL CORPORATION,

Defendants.

Case No. 6:18-cv-00053

**JOINT MOTION TO SUBSTITUTE PARTIES AND TO
AMEND THE UNITED STATES' ORIGINAL COMPLAINT**

Plaintiff, the United States, and Defendant Ocwen Financial Corporation (“Ocwen”), jointly move the Court to substitute in U.S. Bank National Association, as Trustee for MASTR Asset-Backed Securities Trust 2006-HE4 Mortgage Pass-Through Certificates, Series 2006-HE4 (“U.S. Bank as Trustee”) as a defendant in place of Ocwen and allow the United States to amend the original Complaint pursuant to Fed. R. Civ. P. 15(a)(2) because the United States has received information that U.S. Bank as Trustee may claim an interest in the real property at issue and is not yet a party to this proceeding, and because Ocwen is the parent company of Ocwen Loan Servicing, LLC which services the loan but claims no interest in the real property at issue.

The United States shows as follows:

1. The United States filed its complaint on July 17, 2018, naming Troy Moreland, Ashley Moreland (collectively “the Moreland Defendants”), First State Bancshares of Yoakum (“First State”), and Ocwen Financial Corporation (“Ocwen”) as defendants in the case [Dkt. #1]. Its suit

seeks to reduce the federal tax assessments that have been made against the Moreland Defendants to judgment, and to foreclose the federal tax liens that have been filed against the Moreland Defendants against their homestead located at 369 Bruce Lane, in Yoakum, Texas.

2. The United States served all defendants. [Dkts. # 6-9]. The Moreland Defendants have failed to answer the United States' complaint; First State is represented by counsel and has filed a General Denial and Ocwen has filed an answer. [Dkt. #s 10, 11].

3. In September of 2018, a document entitled "Corporate Assignment of Deed of Trust" was filed in the deed records for Victoria County, Texas. *See* Ex. 1. The document assigns the Deed of Trust executed by the Moreland Defendants on the Bruce Lane property at issue in this suit from Decision One Mortgage Company, LLC, to U.S. Bank as Trustee. *Id.*

4. Additionally, Defendant Ocwen claims no financial, legal or lien interest in the Bruce Lane property that is the real property that is at issue in this suit. Defendant Ocwen is only the parent corporation of Ocwen Loan Servicing, LLC, which is the servicer of the mortgage of the Bruce Lane property. Ocwen joins in this motion.

5. The additional defendant, U.S. Bank as Trustee, that was not named when this suit was filed, is a necessary party because under 26 U.S.C. § 7403(b), all persons that claim an interest in the real property at issue must be made parties to the action. The title documents provided to the United States were not clear at the inception of the suit, and U.S. Bank as Trustee became the owner of the mortgage on the Bruce Lane property in September 2018, after the United States' suit was filed.

6. Attached, as Exhibit A, is the United States' First Amended Complaint, which it seeks leave to file in order to name U.S. Bank as Trustee, as a defendant. The United States' First

Amended Complaint also removes Ocwen as a defendant to this lawsuit, based on their disclaimer of interest in the Bruce Lane property.

7. The United States has conferred with Jeffrey Seewald, counsel for Defendant Ocwen, and with Richard Chapman, counsel for First State, and both counsel have confirmed that their clients are not opposed to this motion seeking leave to amend.

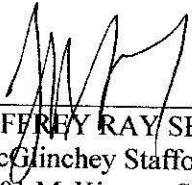
For the reason set out above, the United States moves to the Court to allow it to substitute in U.S. Bank as Trustee as a defendant in place of Ocwen, and file an the Amended Complaint consistent with this substitution by filing the United States' First Amended Complaint, a copy of which is attached to this motion as Exhibit 2.

Respectfully submitted,

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United States Attorney

/s/ Moha P. Yepuri
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ATTORNEYS FOR OCWEN FINANCIAL
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CERTIFICATE OF CONFERENCE

I certify that I conferred with Richard Chapman, counsel for First State Bancshares of Yoakum, on November 1, 2018, and he stated his client is unopposed to the relief sought in this motion.

/s/ Moha P. Yepuri

MOHA P. YEPURI

CERTIFICATE OF SERVICE

I certify that on November 1, 2018, the following persons have been served with a copy of the foregoing motion via email by the Court's ECF system:

Jeffrey Ray Seewald
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Richard T Chapman
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/s/ Moha P. Yepuri

MOHA P. YEPURI